

Notice of Allowability

Application No.

10/665,260

Applicant(s)

ITO, KIICHIRO

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 21 November 2007.
2. ☒ The allowed claim(s) is/are 24 and 25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 25, line 14, "the" (second occurrence) has been replaced with --a--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding claim 24, Bivens discloses a string type air damper (10) comprising a cylinder (20,46), a monolithic piston (12,13,14,15,24,30) having a string member portion (24,30) and a helical spring (44). The cylinder is formed in a tubular shape that defines a guide hole at one end portion thereof (Figs. 5 and 6). The monolithic piston moves in

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the cylinder (Figs. 5 and 6). The helical spring biases the piston toward the other end portion of the cylinder (Fig. 6). The string member portion is guided from inside of the cylinder to outside thereof through the guide hole (Figs. 5 and 6). The string member portion having a belt shape is capable of being bent (since it is very thin and is made of plastic). Bivens fails to disclose that the string member has a flat belt shape, that the guide hole has a flat opening and a smooth arcuate face and that the cylinder comprises a non-removable closed end and the guide hole is formed in the non-removable closed end of the cylinder. However, Oshida teaches a string type air damper comprising a cylinder (16,17) and a piston (5) having a string member portion (6). The cylinder is formed in a tubular shape that defines a guide hole (12) at one end portion thereof. The piston moves in the cylinder (Fig. 2). The string member portion is guided from inside of the cylinder to outside thereof through the guide hole (Figs. 1-6). Oshida teaches that use of string member portions having a flat belt shape is known in the string type air damper as clearly illustrated in the drawings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the flat belt shape taught by Oshida for the string member portion disclosed by Bivens since Oshida teaches that the use of string member portions having a flat belt shape is well known in the string type air damper. Regarding to the guide hole having a flat opening and a smooth arcuate face, Seiichi teaches a string type air damper comprising a cylinder (1), a piston (2) having a string member portion (S) and a helical spring (4). The cylinder is formed in a tubular shape that defines a guide hole at one end portion thereof (Figs. 1-12). The piston moves in the cylinder (Figs. 1-12). The

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helical spring biases the piston toward the other end portion of the cylinder (Figs. 1-12). The string member portion is guided from inside of the cylinder to outside thereof through the guide hole (Figs. 1-12). The guide hole of the cylinder has a smooth arcuate face continuing to a wide width edge of the opening so that the belt-shaped string member is bendable and guidable along the arcuate face (Figs. 1-3 and 9). The string member portion having the belt shape is bent and guided along the arcuate face of the guide hole (Figs. 1-3 and 9). The string can freely protrude from the cylinder in a desired direction by the arcuate face without requiring the use of guide means and the spring does not sustain a fracture because it only contacts a smooth arcuate face (C. 3, L. 36-48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the smooth arcuate face taught by Seiichi in the device disclosed by Bivens and modified by Oshida where the curved surface should has a flat opening that corresponds to the flat belt shape of the string member portion since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). The smooth arcuate face of Seiichi will allow the string member portion to freely protrude from the cylinder in a desired direction by the arcuate face without requiring the use of guide means and the string member portion does not sustain a fracture because it only contacts a smooth arcuate face. Bivens, Oshida and Seiichi disclose that the guide hole is provided in a cap provided at an open end of the cylinder that is opposite to a non-removable closed end. Bivens, Oshida and Seiichi fail to disclose that the guide hole is formed in a non-removable closed end of the cylinder. Accordingly, it would not

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have been obvious to one having ordinary skill in the art at the time the invention was made to have a guide hole provided with a flat opening and a smooth arcuate face at the non-removable closed end of the cylinder especially since these references teach that the guide hole is provided in a removable cap provided at an open end of the cylinder

Regarding to claim 25, the same reasons for allowance of claim 24 apply to claim 25 since claim 25 recites that "the string member portion passes through a non-removable closed end of the cylinder" that is similar to the limitation that makes claim 24 allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
December 7, 2007


ROBERT J. SANDY
PRIMARY EXAMINER